



LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

September 20, 1984

Candyce C. Beumler
Deputy Gila County Attorney
1400 East Ash Street
Globe, Arizona 85501

Re: I84-127 (R84-150)

Dear Ms. Beumler:

Pursuant to A.R.S. § 15-253.B, we concur with the opinions expressed in your August 22, 1984, letter to Sue Meyers of the Pine School District, in which you conclude that the district may contract with a county or other public library for the use of its facilities and materials so long as the contract amount does not exceed 2% of the school budget for the school year. We also concur with your conclusion that noncertificated personnel may supervise the children in noninstructional activities while they are at the library.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:TLM:it



CIVIL DEPUTY
CANDYCE BEUMLER

CRIMINAL INVESTIGATOR
TOMMIE RASMUSSEN

Robert Duber, II *BD*
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O P I N I O N

R84- 150

TO: SUE MYERS
PINE SCHOOL DISTRICT

FROM: CANDYCE C. BEUMLER
DEPUTY COUNTY ATTORNEY

RE: Request for Opinions

DATE: August 22, 1984

EDUCATION OPINION

ISSUE NO LATER THAN

10/24/84

You requested an opinion by telephone as to whether the school district could use a public library since it is unable to support and maintain a library within the school district. A.R.S. §15-362(C) permits the governing board of a school district to enter into contracts or agreements with the proper authorities of county libraries or other public libraries to render services to the school district as long as the amount expended in contracting for these services does not exceed 2% of the total school district budget for the school year. According to this statute, it appears that the Pine School District may contract and utilize the services of the local public library.

You also asked for an opinion as to whether or not the Pine School District would be required to utilize certificated personnel to supervise pupils going to the library to check out books. As I understand the situation from our telephone conversation, the library which the school would wish to use is across the street from the physical plant of the school. Escorting the children to the library would not be an instructional activity. Pursuant to A.R.S. §15-341(18), the supervision of pupils in non-instructional activities can be accomplished by either certificated or non-certificated personnel, and there is no requirement for the physical

Sue Myers
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presence of certificated personnel during the time in which the pupils are participating in non-instructional activities. In addition, the non-certificated personnel would have the same powers and duties as certificated personnel during the period of supervision in the non-instructional activities. It would, therefore, be permissible for the Pine School District to utilize non-certificated personnel to escort the pupils to the library while they check out library books. In Op. Atty. Gen. No. 179-258, it was suggested that the school have adequate liability insurance for these activities and that a certificated person retain the overall responsibility for the activity; in that case, cheerleading.

A copy of this opinion is being sent to the Attorney General for his review pursuant to A.R.S. §15-253. If no action is taken by that office within 60 days, the opinion will be deemed confirmed.

Landye L. Bunker